

**POLICE CONDUCT OVERSIGHT COMMISSION
Minutes**

Regular Meeting December 8, 2015

Starting at 6:00 p.m.

350 Fifth Street, Room 241, Minneapolis, MN 55407

Committee Members Present: Andrea Brown (Chair), Andrew Buss, Adriana Cerillo, Amran Farah, Jennifer Singleton (Vice Chair), and Laura Westphal.

Staff Present: Police Conduct Operations Supervisor, Ryan Patrick and Commission Clerk, Leda Schuster.

**Chair Brown called the meeting to order at 6:02 p.m.
A quorum of the Commission was present.**

Chair Brown moved to adopt the meeting agenda.

No discussion. All-in-favor. None opposed.

The Motion Carried.

Westphal moved to adopt the meeting with an amendment to the September and October 2015 meeting minutes to include Mr. Chuck Turchick's comments.

No discussion. All-in-favor. None opposed.

The Motion Carried.

New Business

Chair brown addressed the Commission and members of the public present. The following is a transcript of her statement:

Police misconduct is at the forefront of not only Minneapolis, but the nation. Police misconduct is a national issue. In Minneapolis with the recent officer involved shooting of Jamar Clark and nearby in Columbia Heights the officer involved shooting of Michael Kirvelay the nation is looking at Minnesota. We all have questions that need to be answered.

The PCOC is unique in that we have the authority to work within and independent of the MPD to change the policies that dictate officer conduct. This is what the PCOC can do. We have only begun on changing the policies in the MPD. We will continue to be a staple for the community to hear their concerns and address those concerns within our authority. As of today we will have 5 published studies. Each future study can now be a full blown audit. We have an analysis team that is professionally trained including a certified law enforcement auditor backed by the international law enforcement auditors association. These audits will continue to have input from community voices and compare national best practices from cities like and unlike Minneapolis to change police policies, training and culture of the MPD.

Approved Minutes during the January 12, 2016 PCOC Meeting

The 5 published studies are:

- Cultural awareness
- Coaching
- Investigatory stops
- Body camera
- "Doesn't fit any crime"-ACLU

This is significant not only in from sheer number but in how the studies came to be. The investigatory stop study came forth from the patterns and trends we saw with the complaints. It took 6 months from inception to being adopted as new policy by the MPD. The body camera study came from Chief Hearteu and Mayor Hodges asking for the PCOC to gather public comment. The "doesn't fit any crime" came from the ACLU asking for PCOC to utilize our resources. We have given our recommendations and await acceptance by the MPD.

We have established that the PCOC is able to take an issue, locate the problem, recommend policy change and have those changes adopted by MPD and approved by community groups such as ACLU and NOC and by members of the city council.

Most recently we have heard from community members their growing concern about the way MPD officers interact with people experiencing MH issues and Emotional Disturbances. The recent officer involved shooting of Michael Kirvelay, a Columbia Heights man shot in the head by two officers, is a prime example to an area that needs better police training and strict policy guidelines. We are projecting to have the initial audit of MPD MH and ED policy by February 2016.

The PCOC will continue to grow in authority and will continue to be the place where the citizens' voices can be heard. We will continue to recommend MPD policy change and demand officer accountability. Solid policy recommendations presented to the MPD that are grounded in community input and thorough research cannot be ignored.

With that being said, we would like to share a letter we have written to the DOJ and Tracie Keese the Project Director of the National Initiative. I will be presenting this letter and my concerns to the City Council tomorrow at the Committee of the Whole at 10 a.m.

Approved Minutes during the January 12, 2016 PCOC Meeting

The letter reads as follows:

Dear Ms. Keesee,

To Whom It May Concern:

The Minneapolis Police Conduct Oversight Commission (“PCOC”) is pleased that the Department of Justice has chosen Minneapolis as a pilot site for the National Initiative for Building Community Trust and Justice (“National Initiative”). The PCOC supports and promotes the National Initiative goals of enhancing procedural justice, reducing bias, and supporting reconciliation.

To ensure that the National Initiative’s assessment of Minneapolis’s current police community environment is as complete as possible, I would like to provide you with background information on the PCOC. The PCOC is a city commission comprised of seven civilians who are residents of Minneapolis and are appointed by the City Council and Mayor. The PCOC helps assure that police services are delivered in a lawful and nondiscriminatory manner by providing the public with meaningful participatory oversight of police policy and procedure. The PCOC audits cases of police misconduct, makes policy and training recommendations, and provides a forum in which the community and police can engage with one another.

Since its establishment in October 2013, the PCOC has played an increasingly important role in providing community input into and oversight of police policy. As an example, in April 2015, the Commission completed a study of the Minneapolis Police Department’s (“MPD”) documentation practices for investigatory stops (frequently referred to as “stop and frisk”). This study arose out of community complaints in which community members believed that had been unjustifiably stopped and often racially profiled. In its review of police misconduct cases, the PCOC noticed that in many cases, officers had not documented the stop, leading to an erosion of transparency and community trust.

As a result of the PCOC’s recommendation to make documentation of investigatory stops mandatory, including the race of the suspect, MPD is currently configuring its squad dispatch software to require that the justification for a stop and race of the suspect be recorded before allowing the officer to move to another call. This change in policy will not only increase transparency and accountability on a case-by-case basis, but will also enable MPD to look more broadly at raced-based trends in investigatory stops and take data-informed corrective action as necessary.

The PCOC has also played an important role in providing community input into MPD’s planned use of body cameras. After MPD requested the PCOC’s assistance in gathering public comment on body cameras, the PCOC held three community forums, received written comments, and distributed over 500 surveys to collect community input on body camera policy. This community feedback was integrated with national best practices research to create a recommended policy to govern body camera usage. Through the

Approved Minutes during the January 12, 2016 PCOC Meeting

PCOC, community members' voices were directly translated into recommended policies, which were then placed into the hands of decision-makers within MPD. This represents meaningful community participation in police oversight.

The PCOC eagerly awaits further information on the specific strategies the National Initiative plans to use to enhance procedural justice, reduce bias, and support reconciliation. Given the PCOC's demonstrated ability to serve as a mechanism for increased transparency and productive community-police engagement, the PCOC is surprised that no member from the National Initiative team has yet reached out to it. As the National Initiative team embarks on its assessment of the current police-community climate in Minneapolis, it will be important that it has a full understanding of the civilian oversight and community engagement structures already in place. The PCOC plays an important role as an official civilian oversight body and avenue for engagement between the community and MPD. The PCOC invites encourages the National Initiative to work with the PCOC in its assessment of the current climate in Minneapolis and strategic plan for the future.

Please contact me at brown.pcoc@gmail.com at your earliest convenience to arrange a meeting.

Thank you.

With no further discussion on the matter, the Chair moved to the next item on the agenda.

Emotionally Disturbed Persons and Mental Health Conference:

Commissioner Westphal addressed the Commission, the following were the main points from her presentation:

- Attended the conference with Kathy Czech of Safety Triage and MentalHealth Providers to explore EDP calls.
- The program was not the same type of set-up but proved immediately successful.
- The group is documenting police officer hours and the ER hours saved by employing one social worker.
- The program received funding for one year and are confident it will become part of the annual budget.
- There is a partnership that involves every case brought in from the previous month.
- County health workers, social workers, nurses from hospitals, ER workers, criminologists, and someone from the jail and detention centers talk about each case.
- The social workers provide a bridge from receiving the call to providing the individual with services for their specific needs; also engaging the social services in the process.
- Their recommendation for the City of Minneapolis involved a whole team while exploring other existing programs.

Approved Minutes during the January 12, 2016 PCOC Meeting

With the conclusion of Commissioner Westphal's presentation, Chair Brown opened the floor for discussion. The following is a list of speakers during the discussion and an abstract of the main points presented:

Brown – indicated that Houston has a program similar to this one and suggests reaching out to them to explore their program.

Singleton – asked how they handle calls and at what point does the social worker get involved.

Westphal – indicated that there is an immediate assessment and the team is sent out; the overall response time was fast. The social worker does not work 24 hours, but does work long shifts; she is assigned to two officers.

Then, after a brief discussion, being duly acknowledged by Chair Brown, the following motion was made by Commissioner Buss:

To develop a methodology leading to a Research and Study on police interactions with emotionally disturbed persons and those with mental health issues.

Seconded.

The Chair opens the floor for discussion. The following is a list of speakers and an abstract of their individual comments:

Buss - indicated that upon approval and referral to the Policy and Procedure Committee, develop the methodology for study by initiating a preliminary inquiry of available statistics surrounding MPD interactions with emotionally disturbed persons and those with mental health issues. The initial goal is to develop the framework for the research and study leading to a better understanding of types of response calls, demographics, use of force, etc. ultimately leading to potential recommendations on training, cooperative partnerships between MPD and mental health professionals and better outcomes for individuals and family members directly affected by the interactions. Initial stage would be expected within two months.

With no further discussion from the members present, the chair closed the discussion and called for a voice vote.

All in favor. None opposed.

The motion carried.

Doesn't Fit Any Crime Study

Ryan Patrick the Police Conduct Operations Supervisor addressed the Commission. The following were the main points from his presentation:

- The initial goal was determining what is going on with these types of arrests as defined in the September 2015 Commission meeting.
- MPD provided the explanation that there are not enough codes to cover every miscellaneous offense.

Approved Minutes during the January 12, 2016 PCOC Meeting

- The first test was to generate data to support that statement and the second was to determine post-arrest outcomes.
- Studied specifically a small set of cases and found that there are many issues involved with low-level arrests.
- The ACLU study covered a different timeframe; we studied a larger time period taking a deep look at a statistically significant sampling.
- This is a database limitation and in 219 instances the database did not have a code.
- The most common offense is TLE, or traffic law enforcement, which isn't a new practice but a limitation.
- Other miscoded charges were widespread, but included smoking in prohibited areas, underage possession and consumption of cigarettes, among others.
- In cases where there was a CAPRS code, the charges were widespread, but most commonly spitting, interfering with vehicle traffic, and others; there were 79 different crimes identified that fell into the miscellaneous category.
- 88 of the 218 were either spitting or interfering with traffic, however spitting is no longer a crime.
- Another important factor included an 83% drop over key enforcement areas between 2013 and 2015.
- African American populations were charged 69% of the time; there is an extreme disproportionate disparity, but this doesn't necessarily make it unique in that the miscellaneous category is not leading to a conclusion with the exception of one category, which is spitting.
- 90% of the spitting citations were issued to African Americans.
- Ethnicity was documented only 7 times of the 241 cases examined, five were Somali and two were Latino.

With the conclusion of Mr. Patrick's presentation, Office of Police Conduct Review Law Clerk, Kaela McConnon addressed the Commission. The following were the main points from her presentation:

- With regard to socio economic status, of the individuals involved, 60% were unemployed; many of these cases were listed as homeless or as having no address, and in addition both drugs and alcohol were involved in many of these cases.
- Of all cases where we could find information on court proceedings, only 7 were represented by public defenders and 13 represented themselves.
- For public defender appointments they had to meet minimum income requirements..
- In addition to police reports also reviewed MNCIS records for the outcome of the cases.
- 33 had an overall outcome of a conviction and 20 were dismissed; this is different than the miscellaneous outcome where 20 miscellaneous ended in charges and 30 were dismissed.
- For sentencing response the vast majority of miscellaneous offenses ended up in a fine, the average fine was \$111.00 and some individuals were incarcerated for a range of one to 90 days.
- There are a variety of limitations in the MNCIS system; traffic violations are not often listed in the system but at the Violations Bureau.
- The fees associated with accessing the cases include a \$10.00 per page printing fee, which is a limitation of the MNCIS system.
- Additionally there were a handful of cases where the information entered was inconsistent in the MNCIS system.
- Sometimes cases just don't get entered into the system.

Approved Minutes during the January 12, 2016 PCOC Meeting

With the conclusion of Ms. McConnon's presentation, Mr. Patrick re-addressed the Commission. The following were the main points of his presentation:

- There are issues that are clearly present and localized by interest groups.
- The miscellaneous category is clearly poorly titled, but not a unique category.
- Given that the MPD is employing a new database system, this particular issue may resolve itself.

With the conclusion of the presentation from Mr. Patrick, the Chair opened the floor for discussion. The following is a list of speakers and an abstract of their individual comments:

Farah - asked if race was listed or if it was a required field that officers have to fill out.

Singleton - asked if demographic data collection is mandatory.

Brown - asked if the cases that the ACLU brought to the Commission were looked into and asked which precincts went down over time.

Patrick - adding 100 codes to the database is unlikely to improve the situation substantially. He also indicated that the 1st Precinct went down substantially and the others were fairly consistent. Employment was not a variable using the standard criteria identified, but over time the officers were filling in the information with regard to employment and housing status; perhaps reviewing the City Council's procurement process may shed some light on the issue.

With no further discussion on the matter, Chair Brown moved to the next item on the agenda.

Committee Reports

Policy and Procedure Committee

Commissioner Buss, the Committee Chair, addressed the Commission. The following are the main points from his report:

- The two main topics covered included EDP and Doesn't Fit Any Crime Research and Study projects.
- The meeting notes are available as a link on the Commission website.

With no further discussion, Chair Brown moved to the next item on the agenda.

Outreach Committee

Commissioner Singleton, the Committee Chair, addressed the Commission. The following are the main points from her report:

- Commissioner Westphal attended a public meeting conducted by the National Initiative where the focus included implicit bias and procedural justice.

Approved Minutes during the January 12, 2016 PCOC Meeting

- Discussions on the protests in the 4th Precinct and if there is a way for the PCOC to reach out to the community during these challenging times.
- Rescheduled the next meeting to December 5, 2015 at 6:00 p.m.
- Discussed November case summaries 3, 5, and 9.

With no further discussion on the matter, Chair Brown moved to the next item on the agenda.

Discussion of November 2015 Selected Case Summary Data

The Commissioners proceeded to engage in a discussion about case number three summary data.

The following is a list of the speakers during the discussion and an abstract of the points presented:

Westphal – indicated that it is unclear when a complaint is made who characterizes what the actual events that took place were and who makes the decision on which code defines the officer's conduct. Also if changed by the joint supervisors, is there a voting process and do they have to agree?

Farah - regarding Commissioner Westphal's question, the code on the summary was 105.15 but this was 105.10 and what would be the reasoning for that?

Patrick - there is a section on the complaint for regarding what their experience was; the investigator would tie it to policy based on what shows up on the ordinance. Preliminary policy goes in front of joint supervisors. 105.15 would be a protected class.

The Commissioners proceeded to engage in a discussion about case number nine summary data.

The following is a list of the speakers during the discussion and an abstract of the points presented:

Singleton - questioned what a taser database report was.

Patrick - indicated that when a taser is fired the usage is registered and the data is transmitted back to the department. A red dot camera comes on, some of the units have them but not all, and when fired propellant is used, which is similar to PBT.

The Commissioners proceeded to engage in a discussion about case number five summary data.

The following is a list of the speakers during the discussion and an abstract of the points presented:

Westphal - appreciated that the case went to coaching even though it was dismissed for a lack of CIT training; clearly a case where a social work on duty would have been beneficial.

Singleton - also expressed appreciation but wanted to note that this was a same sex domestic abuse situation involving failure to arrest given existing protocols, which is an item of concern.

Brown - indicated that the case should be moved to the queue for tracking.

Buss - indicated that this involves report writing.

Approved Minutes during the January 12, 2016 PCOC Meeting

Brown moved to refer Case Summary #5 to the Policy and Procedure Committee queue for tracking.

With no further discussion from the members present, the Chair closed with the discussion and called for a voice vote. All-in-favor. None opposed.

The motion carried.

With no further discussion on the matter, Chair Brown moved to the next item on the agenda.

New Case Selection

Brown - 3, 4, 10

Farah - 8, 9, 10

Buss - 3, 5, 10

Singleton - 3, 9, 10

Cerillo - 3, 5, 9

Westphal - 3, 7, 10

Chair Brown indicated the new case selections for the January 2016 meeting are 3, 9, 10.

With no further discussion on the matter, the Chair moved to the next item on the agenda.

PUBLIC COMMENT

Chair Brown opened the floor for public comment. The following is a list of the members of the public who addressed the Commission and the topics covered in their discussion:

Dave Bicking:

- Comments about the status of the Body Camera Policy and if there has been communication with the City Council or Mayor's office.
- Secrecy with regard to the Jamar Clark shooting.
- The Chief's performance review and the importance of informing the public.
- Discipline with regard to discharge of weapons and incidents filed against the officers involved and the complaint process.

Chuck Turchick:

- The comment about amending the minutes did not apply to October's minutes, the correction was from September only.
- Issues with private meetings between Chief Harteau and the individuals from the DOJ National Initiative.
- Police do not respect citizenry, which is the larger problem, evidenced by the widespread language problem.
- There are also issues with use-of-force and lying.
- Lack of public awareness of the PCOC's existence; suggested to invite community leaders to attend and increase outreach activities.

Approved Minutes during the January 12, 2016 PCOC Meeting

- Differences between police officer gun usage between the United States and United Kingdom.

With no further public comment, Chair Brown moved to the next item on the agenda.

ADJOURNMENT

With all of the Commission's business being concluded, the Chair entertained a motion:

Buss moves to adjourn.

Seconded.

All-in-favor. None opposed.

The motion carried.

Chair Brown adjourned the meeting at 7:18 p.m.